



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Casciano et al.

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Art Unit: 3624

Serial No.: 09/681,408

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Examiner: Alain L. Bashore

Filed: March 30, 2001

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For: METHODS AND SYSTEMS
FOR IMPLEMENTING A
PROFITABILITY MODEL

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

Sir:

The Office Action mailed February 4, 2003, has been carefully reviewed and the following remarks have been submitted in consequence thereof. In response to the election requirement set forth in the Office Action, Applicants elect, with traverse, for prosecution in this application all claims of Group II as identified in the Office Action. Claims 1-27, 37-44, and 54-58 are in the elected claim group.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested. The restriction requirement is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicants submit that a thorough search and examination of either claim group would be relevant to the examination of the other group and would not be a serious burden on the Examiner. Indeed, the claims of Group I and the claims of Group II are encompassed by a single class (Class 705) and by a single subclass (Subclass 36), and it is not evident how the searching of a single class and single subclass could present an unreasonable burden on the Examiner. Because the claims in Group I and II are encompassed by a single class and single subclass, the assertion that the claim groups have acquired a separate status in the art because of their recognized divergent subject matter is respectfully traversed and submitted to be unsupportable on the present record. Therefore, to the extent that the restriction

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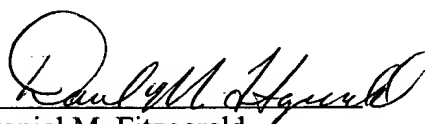
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requirement relies on this assertion, it is respectfully submitted that the restriction requirement is improper and should be withdrawn.

In addition, requirements for restriction are not mandatory under 35 U.S.C. Accordingly, reconsideration of the restriction requirement is requested.

The objection to the request to correct the inventorship for the present patent application is respectfully traversed. The Office Action provides that Applicants' Request to Correct Inventorship is deficient because "it lacks the written consent of any assignee of one of the originally named inventors." However, Applicants respectfully submit that an assignment was not filed when the present patent application was originally filed with the Patent Office nor was an assignment filed prior to the filing of the Request to Correct Inventorship. More specifically, based on our review of the file, it appears that the only assignment filed in this matter was mailed on March 26, 2002, the same day the Request to Correct Inventorship was mailed to the Patent Office. Since the assignment and the Request to Correct Inventorship were mailed to the Patent Office on the same day, and since the assignment was signed by all inventors, including the added inventors, Applicants believe that written consent from an assignee of the originally named inventor is not required. Accordingly, Applicants respectfully request that the objection to the request to correct the inventorship be withdrawn.

Respectfully Submitted,



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